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STATE OF MONTANA

Food and Drug Laws Rules and Regulations



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MONTANA
State Board of Health
Food and Drug Laws
Rules and Regulations

MONTANA PURE FOOD AND DRUG ACT

Enacted as Chap. 130, Session Laws 1911

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MONTANA PURE FOOD AND DRUG ACT
REVISED CODES MONTANA 1947, ANNOTATED

27-101 Adulterated or Misbranded Drugs and Food.—Unlawful Manufacture or Sale.

It shall be unlawful for any person, persons, firm or corporation, within this State, to manufacture for sale, within this State, sell, offer for sale or have within his or their possession with the intent to sell within this State any drugs or article of food which is adulterated or misbranded within the meaning of this Act. The term "drug" as used in this Act, shall include all medicines or preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or animals. The term "food," as used in this Act, shall include all articles used as food, drink, confectionery or condiment by man or animals, whether simple, mixed or compound.

27-102 What Deemed Adulterated.

For the purpose of this Act an article shall be deemed as adulterated in case of drugs:

First. When a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, if it differs from the standard strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary, official at the time of investigation; provided, that no drug shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In the case of foods:

First. In the case of confectionery, if it contains terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous color or flavor, or other ingredients deleterious or detrimental to health, or any vinous, malt, or spiritous liquor or compound or narcotic drug.

Second. If any substance or substances have been mixed with it, so as to reduce, or lower, or injuriously affect its quality or strength.

Third. If any substance has been wholly or in part substituted for the article.

Fourth. If any valuable constituent has been wholly or in part abstracted from it.

Fifth. If it contains any proportion of a filthy, diseased, decomposed, putrid, or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk, if it is the produce of a diseased animal.

Sixth. If it is mixed, colored, coated, polished, powdered or stained in a manner whereby damage or inferiority is concealed, or whereby it is made to appear better or of greater value than it really is.

Seventh. If it contains any added poisonous or other added deleterious ingredient.

Eighth. If it contains any added antiseptic or preservative substance except common salt, salt peter, cane sugar, beet sugar, vinegar, spices, or, in smoked foods, the natural products of the smoking process, or other harmless preservatives whose use is authorized by the State Board of Health, and no preservative shall be used in greater quantity than the rules and regulations of the State Board of Health shall designate.

27-105 Weights and Measures—Size of Gallon and Pound.

In case of food sold by weight or measure, all measures shall be in gallons or fractions thereof, a gallon to contain two hundred and thirty-one cubic inches and each fraction of a gallon to contain its corresponding fraction of two hundred and thirty-one cubic inches. Where weights or measures are stated in pounds and ounces, they shall be exclusive of the wrapper or other container and each pound shall contain sixteen ounces, each ounce containing four hundred and thirty-seven and one-half grains. Any person, persons, firm or corporation selling or offering for sale any article of food as a pound, or any multiple thereof, except by actual weight, the net weight of which is less than sixteen ounces, or the proper multiple thereof to represent the number of pounds sold or offered for sale and any person, persons, firm, or corporation selling or offering for sale any quantity of food as a gallon, or any fraction thereof, which does not contain two hundred and thirty-one cubic inches net measure or the fraction thereof represented by the fraction of a gallon offered for sale or sold, shall be guilty of a misdemeanor.

27-108 Duty of Peace and Health Officers to Seize Unwholesome Food Offered for Sale.

It shall be the duty of all peace or health officers to seize any animal carcass or parts of carcasses or any domestic or wild fowl, eggs, game, fish or other food product found to be unwholesome, and which are intended for sale or offered for sale for human food, or which have been slaughtered or prepared, handled, or kept under unsanitary conditions as herein defined, or as the rules and regulations of the State Board of Health may designate, and shall deliver the same forthwith to and before the nearest police judge or justice of the peace, together with all information obtained; and said

police judge or said justice of the peace shall issue warrants of arrest for all persons believed to have violated any provisions of this Act, and said cause shall be tried at an early date thereafter. The said police judge or said justice of the peace shall immediately drench the unwholesome food brought before him with kerosene and require the owner thereof to immediately dispose of the same in a sanitary manner, or he may, in his discretion, order the unwholesome food rendered into grease and tankage.

27-109 How Term "Misbranded" Shall Be Understood.

The term "misbranded" as used herein shall apply to all drugs, or articles of food, or articles which enter into the composition of food or drugs, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory, or country in which it is manufactured or produced, unless the word "process" or "type" in plain, legible and obvious English print, type or script immediately follows the state, territory, country, locality or brand designated. That for the purpose of this Act an article shall be deemed to be misbranded:

In the case of drugs:

First. If it be an imitation or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part and other contents differing in quality or quantity from the original contents shall have been placed in such package, or if the package fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannibis indica, chloral hydrate, acetanilide, phenacetine, antipyrine, or any derivative or any preparation of any such substance contained therein; provided, that said requirements as to statement of contents shall not be operative until on and after January 1, 1912, and provided, further, that the requirements of this section shall not apply to medical prescriptions written by physicians and surgeons, dentists, or veterinary surgeons, nor to extemporaneous preparations dispensed by druggists, nor shall the provisions of this section be construed as prohibiting legally qualified physicians and surgeons, dentists and veterinary surgeons from administering drugs to patients under their care.

In case of foods:

First. If it is an imitation of or offered for sale under the distinctive name of another article.

Second. If it is labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign article when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine opium, cocaine, heroin, alpha or beta eucaine, chloroform,

cannibis indica, chloral hydrate, acetanilide, phenacetine, or antipyrine, or any derivative or any preparation of any such substance or substances contained therein; provided, that such statement shall not be required as to articles of food in the hands of wholesalers or retailers on or prior to January 1, 1912.

Third. If in the package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it, or its label, shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular; provided, that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter become known as articles of food, under their own distinctive names and heretofore known to the consumer and not an imitation of or offered for sale under the distinctive name or brand of another article, if the name be accompanied on the same label or brand with the statement of the place where said article has been manufactured or produced; provided, further, for the purpose of this Act, a drug or food shall not be deemed misbranded when marked, labeled or tagged with the distinctive trade or commercial name heretofore known to the consumer.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly printed on the package in which it is offered for sale; provided, that the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring or flavoring; and provided, further, that in case of spiritous liquors the term "like substances" shall be construed to mean pure distillates of grain or pure distillates of fruit and grain; and provided, further, that nothing in this Act shall be construed as compelling or requiring proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas except so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

27-110 When Dealer Not to Be Prosecuted—Guaranties.

No dealer shall be prosecuted under the provisions of this Act for selling or offering for sale any article of food or drugs, as defined herein, when the same is found to be adulterated or misbranded within the meaning of this Act, in the original, unbroken package, in which it was received by said dealer when he can establish a guarantee, signed by the wholesaler, jobber or agent or other party residing in the United States from whom he purchased such articles, or if a proper printed guarantee of the manufacturer with his address be upon the package or container, to the effect that the same is not adulterated or misbranded in the original unbroken package in which the said article was received by said dealer, within the

meaning of this Act, designating it, or within the meaning of the food and drug Act, enacted by the Senate and House of Representatives of the United States of America in Congress assembled June 30, 1906. Said guarantee to afford protection must contain the name and address of the party or parties making the sale of said article to such dealer or of the manufacturer thereof as herein specified, and in such case said party shall be amenable to prosecution, fines and other penalties which would attach in due course to the dealer, under the provisions of this Act.

27-111 License From State Board of Health for Manufacturers and Purveyors of Food and Drinks.

It shall be unlawful for any person, persons, firm or corporation to conduct any restaurant, cafe, lunch counter, dining car, manufacturing bakery, manufacturing confectionery, meat market, cannery, soda fountain, ice cream parlor, soft drink establishment or bottling works without having a license issued by the State Board of Health of Montana; provided, that no license shall be required for a dining room, cafe or lunch counter that is operated in connection with and under the same management as a hotel that holds a license from the State Board of Health, or that is subject to the payment of a license fee under the provisions of Chapter 36, Session Laws of 1919; an annual fee of two dollars shall be required for each license. Licenses shall be made to expire on the last day of December of the current year in which they are issued. Application for licenses shall be made on blanks supplied by the State Board of Health. No license shall be issued to any place of business that is conducted in a grossly unsanitary manner.

If as a result of inspection by an authorized representative of the State Board of Health, it is found that any licensed place of business is not conducted within a reasonable degree of compliance with the Rules and Regulations of the State Board of Health, the license may be cancelled by the Secretary of the State Board of Health; provided, that any licensee whose license is so cancelled shall be entitled to a hearing before the State Board of Health to show cause, if any, why his license should not be cancelled. In such case licensee must make written request to the Secretary of the State Board of Health for a hearing within five days after notice has been received that his license has been cancelled.

Fees collected by the State Board of Health for licenses issued shall be transmitted to the State Treasurer and placed to the credit of the General Fund as provided by law.

27-112. Duties and Powers of State Board of Health.

It shall be the duty of the State Board of Health to enforce the provisions of this Act. They shall, through their secretary and through local and county health officers, make all necessary investigations and inspections in reference to all food and drugs, and for this purpose the state, county and local health officers shall be food and drug inspectors for their respective districts; each local and county health officer shall make regular inspections as the rules and regulations of the State Board of Health may direct, and such special inspections as said Board of Health may from time to time order made, and he shall make such reports relative to conditions

existing within his district at such times and in such manner as the State Board of Health may direct. Should any health officer fail, neglect or refuse to make any such regular or special inspection or fail to make any report in the manner and at the time designated by the State Board of Health, or should he make a false report of any condition that may exist within his district, the State Board of Health shall notify the mayor of the city or town, in the case of a local health officer or the chairman of the Board of County Commissioners, in the case of a county health officer, of such negligence on the part of such health officer, and said State Board of Health may, in their discretion, order the removal from office of such delinquent health officer, and when such an order is issued by the State Board of Health, the mayor of the city or town in the case of a local health officer, or the Board of County Commissioners, in the case of a county health officer, shall immediately declare the office of health officer vacant and shall appoint another competent and qualified physician and surgeon to fill the office.

The State Board of Health shall adopt all needful rules and regulations for the thorough and uniform enforcement of the provisions of this Act throughout the State, and shall adopt and promulgate rules and regulations relative to the sanitary management of all places designated in Section 27-111 of this Act, and they shall adopt rules regulating the minimum standards for foods and drugs, defining specific adulterations and declaring proper methods of collecting and examining all drugs and articles of food, and the violation of any such rule or regulation shall be punished, on conviction, as set forth in Section 27-115 of this Act; provided, that such rules and regulations made and promulgated by the State Board of Health shall at all times conform to the rules and regulations of the National Food and Drug Commission made under the Food and Drugs Act of June 30, 1906.

It shall be the duty of the State Board of Health at the instance of any person, firm or corporation, or on their own volition to examine, analyze, and determine the purity, branding and labeling of any food or drug placed upon the market or offered for sale in the State of Montana, and if found legal, they shall certify to the individual, firm or corporation manufacturing, selling or offering for sale such food or drug that such food or drug is legal.

No prosecution shall follow until such time as the individual, firm or corporation has been notified by the State Board of Health wherein any food or drug fails to meet the requirements of the rules and regulations of the State Board of Health, and such time to remedy the failure as the State Board of Health may rule.

All state, local and county health officers are hereby authorized to enter any premises where any article of food or drug is sold, offered for sale, manufactured, cooked, stored or treated in any way, for the purpose of inspecting such premises and the manner in which such food or drug is handled.

27-113 Samples of Food and Drugs for Analysis.

Every person offering or exposing for sale or delivering to a purchaser any drug or article of food included in the provisions of this Act, shall

furnish to any inspector or other officer or agent appointed hereunder, who shall apply to him for the purpose and shall tender to him the value of the same, a sample sufficient for analysis of any drug or article of food which is in his possession. Whoever hinders, obstructs or in any way interferes with an inspector or other officer or agent appointed hereunder, in the performance of his duty, shall upon conviction, be fined in any sum not less than ten dollars nor more than one hundred dollars.

27-114 Chemist of State Board of Health.—Duties.

The Director of the Food and Drugs Division of the State Board of Health shall be a qualified chemist and all chemical analyses required in the enforcement of the Food and Drugs Act shall be made in the Food and Drugs Laboratory at Helena and by or under the direction of said chemist.

27-115 Violations of Act.—Penalties.

Except as elsewhere provided in this Act, any person, persons, firm or corporation violating any of the provisions of this Act shall, upon conviction of the first offense, be punished by a fine of not less than twenty-five dollars nor more than seventy-five dollars; for the second offense, by a fine of not less than fifty dollars nor more than two hundred dollars; and for the third and subsequent offenses by a fine of not less than one hundred dollars and imprisonment in the county jail for not less than thirty nor more than ninety days, and all fines collected for violations of this Act shall be paid to the county treasure of the proper county who shall remit the same to the State Treasurer of the State of Montana, and said moneys shall be placed to the credit of the State Board of Health maintenance fund.

27-116 Duty of County Attorney to Prosecute. Report of Chemist Presumptive Evidence.

Whenever the State Board of Health shall furnish evidence to the County Attorney of any county in this State, such County Attorney shall prosecute any person, persons, firm or corporation violating any provision of this Act, or any rule or regulation made by the State Board of Health in conformity with the provisions of this Act, and the report of the chemist of the Food and Drug Division of the State Board of Health, stating that any drug or food examined by him is found to be impure or below the standard required by the provisions of this Act, or the rules and regulations of the State Board of Health, shall be taken as presumptive evidence of the impurity of such drug or article of food.

27-117 Limit to Rules Promulgated by State Board of Health.

No rules or regulations shall be promulgated by the State Board of Health under the provisions of this Act which do not conform to the rules and regulations promulgated or to be hereinafter promulgated by the National Government under the Food and Drugs Act of Congress, of June 30, 1906; and no article of foods or drugs shall be deemed to be

adulterated, misbranded or otherwise subject to the provisions of this Act when such article of food or drugs conforms to the rules and regulations of the United States government under any National Act or Acts.

27-118 Sale of Food Containing Saccharin Prohibited.

It shall be unlawful for any person, persons, firm or corporation within the State of Montana, knowingly, to manufacture, sell, offer for sale, or have within his or their possession with the intent to sell, any beverage or article of food which contains saccharin.

27-119 Food Defined.

The term "food", as used in this Act shall include all articles used for food, drink, confectionery or condiment by man or animals, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof.

27-120 Penalty for Violation of Act.—Disposal of fines.

Any person who violates provisions of this Act shall be guilty of a misdemeanor and upon conviction, for the first offense, shall be punished by a fine of not less than twenty-five dollars nor more than seventy-five dollars, and for the second offense by a fine of not less than fifty dollars nor more than two hundred dollars and for the third and subsequent offenses by a fine of not more than one hundred dollars and imprisonment in the county jail for not less than thirty days nor more than ninety days. All fines collected for violations of the provisions of this Act shall be paid to the county treasurer of the proper county, who shall remit the same to the State Treasurer of the State of Montana, and said moneys shall be placed to the credit of the General Fund as provided by law.

MISCELLANEOUS LAWS

94-35-171 Every person who, in putting up in any bag, bale, box, barrel, or other package, any hops, cotton, wool, grain, hay or other goods usually sold in bags, bales, boxes, barrels or packages, by weight, puts in or conceals therein anything whatever, for the purpose of increasing the weight of such bag, box, barrel or package, with intent thereby to sell the goods therein or to enable another to sell the same, for an increased weight, is punishable by a fine of not less than twenty-five dollars (\$25.00) for each offense.

95-3502. Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor or wine, or any article used in compounding them with a fraudulent intent to offer the same or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, or keeps or offers for sale the same, as unadulterated or undiluted, is guilty of a misdemeanor.

94-35-217 Every person who sells or keeps for sale, or otherwise disposes of any article of food, drink, drug, or medicine, knowing that

the same has become tainted, decayed, spoiled, or otherwise unwholesome, or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk is guilty of a misdemeanor.

STANDARD WEIGHT OF BREAD

(Enacted as Chap. 155, Session Laws 1919)

90-301. Weight Requirements of Sale of Bread.

From and after the passage of this Act it shall be unlawful for any person or persons, association, co-partnership, or corporation to manufacture for retail or wholesale trade, or to sell bread, unless the same shall be of the following weights, which shall be net weights eight hours after baking: One pound, one and one-half pounds, two pounds, three pounds, four pounds, five pounds, six pounds or other multiple pound weights; variation at the rate of one ounce per pound over and one ounce per pound under the above specified unit weights are to be permitted in individual loaves, but the average weight of not less than twenty-five loaves of any one unit or any one kind shall be not less than the weight prescribed for such unit, and if twin or multiple loaves are wrapped at the place where baked or sold to the consumer wrapped and undivided, said loaf must conform to the above weight requirements, and if the twin or multiple loaf is unwrapped or divided before being sold to the consumer, each unit of the loaf must conform to the above weight requirements; provided, that this Act shall not apply to persons, firms, or corporations who do not hold themselves out to the public, and engaging in a general and established business of manufacturing or selling bread and bread products.

90-302. Definitions—Conditions Under Which Bread May Be Sold.

In construing provisions of the preceding section the following definitions shall be had: a twin or multiple loaf is one that is made of two or more portions of dough baked in one pan; single units weighing less than one pound must not be baked; a manufacturer or seller of loaves of the weights prescribed may cut and sell a portion of a loaf to a consumer; bread may be sold at any time after baking, and it shall not be required that bread shall remain unwrapped for any specified length of time after baking.

90-303. Return or Repurchase of Bread Prohibited.

It shall be unlawful for any person or persons, association, co-partnership, or corporation engaged in the manufacture for sale, or the sale of bread, to directly or indirectly accept return of bread theretofore sold, nor repurchase the same, nor allow credit to any one for the same; nor shall any bread previously sold be exchanged for other bread.

90-304. Penalty for Violation of Law.

Any such manufacturer or seller violating any of the provisions herein contained shall be liable to a fine of not less than ten dollars nor more

than one hundred dollars for each and every offense, and each separate sale or violation of any of the provisions of this Act shall constitute a separate offense.

REGULATIONS FOR BAKE SHOPS

(Original Adoption May 29 and July 8, 1919)

(Reenacted March 9, 1920)

Regulation 10.

Any room in which any dough, pastry or other food product is prepared for baking must be well ventilated and lighted. The floors must be of a cement, tile, oiled wood or other impervious material. The walls and ceiling must be painted or lime washed. Walls, ceilings, floors, boxes, pans, machines, and all other utensils used in mixing, baking, or in handling in any way bread, cake, pies, doughnuts, or other food products must be kept in a clean and wholesome condition at all times. No closet or lavatory shall be directly connected with the working room of any bake shop.

Regulation 11.

Before beginning work and before preparing and mixing the ingredients all persons engaged in the work must wash their hands and arms thoroughly in clean water. For this purpose sufficient wash basins, together with soap, pure water and clean towels must be provided.

Regulation 12.

Persons employed in the establishment must, while working, wear clean clothing, preferably white suits.

Regulation 13.

No person having any communicable disease and no person who has been exposed to any contagious or infectious disease shall be employed in or permitted to work in any bakery until such person presents a written statement from a health officer showing that he has been properly disinfected and that there is no longer any danger of his transmitting a communicable disease.

Regulation 14.

During the fly season all windows, doors, and other outside openings must be screened with wire gauze of not coarser than 14 mesh.

Regulation 15.

The supplies must be stored in dry places where they are protected from all contamination. Water used to coat the bread must be provided fresh each day and must come from an uncontaminated source.

Regulation 16.

History: Amended Oct. 5, 1928.

(a) The bread, pastry, and other food products must at all times be handled in a clean sanitary manner and must be protected from flies and other sources of contamination.

(b) Bread shipping boxes if stored outside of buildings shall be kept on platforms or other devices at least 18 inches above the ground.

Regulation 17.

It is strictly forbidden for any person to sit or lie on any of the tables, shelves or other equipment, which are intended for the dough or baked articles. Chairs and benches in sufficient number must be provided to sit on.

Regulation 18.

(a) The working room must be furnished with cuspidors, at least one in each room, which must be cleaned daily. Spitting on the floor is forbidden. Smoking in the working rooms is prohibited.

(b) Sweeping in any working room, storeroom, or other room connected with any bake shop where bread, pastry and other food products are prepared, handled or stored without first sprinkling the floor with water, moist sawdust, sweeping compound or other substance to prevent the raising of dust, is strictly forbidden.

Regulation 19.

Working rooms must not be used for any purpose other than those strictly connected with the preparing and baking of food.

Regulation 20.

Domestic animals must not be allowed in the bake shop.

Regulation 21.

History: Sec. (b) adopted 10-6-32;
Sec. (b) rescinded 4-18-44.

Any bread, pastry, or other bake shop product showing dirt or filth shall be deemed as an impure food product, the sale of which is prohibited by law.

Regulation 22.

All refrigerators and ice boxes must at all times be kept in a clean and sanitary condition and free from foul odors. Milk stored in refrigerators must be so placed that it will not absorb odors from other food products stored therein. Nothing but foods or food products shall be placed in any such refrigerators.

Regulation 23.

All store rooms in which food products are stored must be well lighted and ventilated and at all times be kept in a thoroughly clean and sanitary condition, so screened that the flies cannot secure access thereto and kept free from any foul odor.

Regulation 24.

Bread labeled or offered for sale as "rye bread", "whole wheat", or other name indicating a special kind of flour which is not entirely from rye flour, whole wheat flour, or other flour indicated by the name used

in the sale of the bread shall be deemed as misbranded unless the word "compound" or "mixture" is used on the label in designating the character of the bread.

Regulation 25.

All bakeries must be inspected each month by the local, county or reservation health officer or his deputy, and when inspected must be scored according to the score card, which is a part of these regulations.

Regulation 26.

These regulations must be posted in a conspicuous place in every bake shop or bakery.

REGULATIONS FOR MEAT MARKETS
(Original Adoption May 29 and July 8, 1919)
(Reenacted March 9, 1920)

(Rescinded and Regulation 40 Adopted May 16, 1953)

Regulation 40.

Item 1. Floors

Every meat market shall have sufficient floor area to accommodate all the necessary operations. All floors in meat markets shall be of tight wood construction, or other impervious material. All floors in meat markets shall be cleaned sufficiently often to keep them in a clean and sanitary condition, free of litter, and shall be maintained in good repair. Sawdust is not recommended, but can be used, provided it is clean, sifted and changed often enough to keep it clean and free from meat scraps. Sawdust shall not be used inside iceboxes or refrigerators. Floor racks or rubber mats may be used except in walk-in boxes, provided they are removable and easily cleaned. Storage, machinery, merchandise and other articles should be protected or elevated so that thorough cleaning of the floors is possible. Dry sweeping of floors should not be permitted. The building shall be rat-proofed insofar as possible.

Item 2. Walls and Ceilings

All walls and ceilings shall be constructed of smooth, washable, non-absorbent material, free from cracks, crevices, and open joints, and shall be maintained in good repair and painted annually, or more frequently if necessary, except tile, etc. A light-colored, washable paint shall be used. The walls and ceilings shall be cleaned sufficiently often to prevent accumulations of cobwebs, dust, or other contaminating substances.

Item 3. Doors and Windows

Doors and windows shall be cleaned inside and outside. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided

to prevent the entrance of flies. All outside screen doors shall open outward. Large fans protecting the doorways and merchandise unloading entrances are recommended.

Item 4. Lighting

Lighting in all rooms in which meat or meat products are stored, prepared, or sold, or in which utensils and equipment are washed, shall be adequate for all working purposes and for the efficient use of the room.

(a) Twenty or more foot-candles of illumination shall be provided at all working surfaces, when in use, in rooms in which meat or meat products are prepared, sold, or in which utensils and equipment are washed. Such illumination may be furnished from windows or skylights, or by artificial lighting, or by a combination of both.

(b) Storage rooms shall be provided with light sources producing ten or more foot-candles of illumination at a distance of five feet from the floor and not less than five foot-candles at the face of any pile, stack, or row of materials or containers stored in such rooms.

(c) More than twenty foot-candles shall be provided at any working surface or storage area when it is determined by the health officer that such greater illumination is necessary to prevent an insanitary practice or condition.

Item 5. Ventilation

Adequate ventilation shall be provided in all rooms except those which are refrigerated. The rooms that shall be ventilated are those in which meat or meat products are stored, prepared, or sold, or in which utensils and equipment are washed. Ventilation for such rooms shall be such that they are reasonably free of disagreeable odors and condensation, undue heat or cold, toxic substances, smoke, vapor, dust or other substances affecting or likely to affect the meat or meat products, or causing or likely to cause an atmospheric condition dangerous to the health of employees, or contributing to insanitary practices in the preparation, storage, or sale of meat or meat products.

Item 6. Toilet Facilities

All meat markets shall be provided with adequate and conveniently located toilet facilities. The floors, walls, and ceilings of all toilets shall be maintained in good repair. The walls and ceilings shall be painted with a light colored, washable paint at least annually or oftener if conditions require, provided that no painting shall be required where some form of tile or vitreous brick is used. Each toilet shall be provided with adequate artificial light and ample ventilation to the outside air. Toilet room doors shall be self-closing. The toilet room shall be cleaned daily and the commodes, urinals, lavatories, and other fixtures shall be kept clean and in good repair. Conspicuous signs shall be posted requiring that all persons connected with the market shall wash their

hands before beginning work, and immediately after each visit to toilet. Privies shall be constructed and operated in accordance with recommendations of the State Board of Health.

Item 7. Lavatory Facilities

Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands. In any meat market where frequent hand washing is necessary to prevent food contamination during processing or distribution, separate hand-washing facilities, including a supply of soap and sanitary towels shall be provided in the workroom and conveniently near such process work space. Such facilities shall be installed and used in meat markets at or near such process work space when it is deemed necessary by the local health officer, or his authorized representative.

Item 8. Water Supplies

The water supply shall be obtained from a source approved by the State Board of Health. The water supply should be accessible so as to encourage its use in cleaning operations; it should be adequate so that cleaning and rinsing will be thorough; and it should be of safe sanitary quality in order to be suitable for drinking and to avoid contamination of food and utensils. All ice used in contact with any meat or meat products must be pure and free from pollution.

Item 9. Constuction of Utensils and Equipment

Utensils and equipment, including display trays, display cases, show windows, counters, shelves, meat blocks, knife holders, refrigerating equipment, sinks, and any other equipment or utensils used in connection with the operation of a meat market shall be so constructed and located as to be easily cleaned, shall be kept in good repair, and shall under no circumstances, contaminate or introduce a toxic substance into the meat or meat products with which it comes in contact. Certain equipment, including mixing apparatus, meat grinders, slicers, knife holders, tenderizers, meat saws, and all similar equipment, shall be easily taken apart, opened or dismantled for cleaning and inspection. No equipment so designed as to permit meat or meat products routinely to come in contact with threaded surfaces and cracks in working surfaces shall be used or permitted to be used in the preparation, storage, or service of meat or meat products. Whenever a rotating shaft is inserted through a surface with which meat or meat products come in contact, the joint between the shaft and surface shall be close fitting, and the joint shall be clean at all times when not in actual use.

Item 10 Cleaning of Utensils and Equipment

All counters, shelves, blocks or other equipment upon which meat or meat products are handled shall be thoroughly cleaned at least once

each day, or as often as may be necessary to keep them in a clean and sanitary condition. No trays, racks, or containers that have been soiled shall be re-used without being washed. All knives, saws, cleavers, grinders, and other tools, utensils, and machinery used in handling, cutting, chopping, grinding, mixing, or otherwise processing the meat or meat products shall be thoroughly cleaned at least twice each day with a suitable powder, soap, or other cleansing agent and rinsed with hot water or water containing a disinfectant. Greens or other material used for decoration in display cases shall be cleaned thoroughly at least once a week, or as often as may be necessary to keep them in a clean and sanitary condition. Knife holders shall be cleaned at least once each day. All meat blocks and work tables shall be free from holes, cracks, and crevices, and shall be kept clean by an approved method. No oil-cloth or newspaper shall be used on any table, counter, or shelf where meat or meat products are handled. A wash sink of adequate size, with hot and cold running water, shall be installed in a convenient place for the washing of grinders, trays, utensils and other equipment used in the market. It shall be of sound construction, provided with at least one drainboard and a combination supply faucet, and the back splash shall be integral with the sink. It is urged that insofar as possible, and for the greater convenience, all sinks be located in the area adjacent to the chopping block and display cases, rather than in back rooms where proper cleaning is less likely.

Item 11. Refrigeration.

Sufficient refrigeration space shall be provided to conveniently accommodate the volume of business. Refrigeration shall not be considered satisfactory if the temperature in any part of the refrigerator or display case exceeds 40° F. at any time. Thermometers shall be provided in all refrigerators and display cases. Drains from the refrigerators and display cases shall not be directly connected to the sewer system. Inside walls of walk-in coolers shall be of tight impervious construction with a smooth and easily cleanable surface. Conveniently located racks not closer than 12 inches to the floor shall be provided for the storage of meat or food products, to prevent storage on the floor. Shelves shall be constructed of slats to permit proper circulation within refrigerators. All refrigerators, meat boxes, and display cases shall be kept clean, in good repair, and free of objectionable odors. No treads, false floors, or unnecessary items shall be permitted in walk-in coolers.

Item 12. Handling of Meat and Meat Products.

No meat or meat products, or fish, shall be kept exposed outside refrigerators or refrigerated display cases except in such quantities as are needed for immediate transfer or sale. All meat and meat products shall be stored in the refrigerators and display cases in an orderly and sanitary manner; overloading shall be prohibited. Unwrapped products shall not be stored directly on shelf surfaces.

The storage of vegetables, fruits or items other than meat or meat products in walk-in boxes is undesirable. When the storage of such items prevents the satisfactory handling of meat, the practice shall be considered overloading and shall be discontinued.

No meat or food product or containers of meat or food products shall be stored directly on the walk-in box floor. No hides of animals shall be stored or kept in any compartment with fresh meat or meat products unless they are kept in a tight metal container, and such hides where stored with meat shall be thoroughly washed and cleaned.

Meat or meat products shall not be wrapped in newspaper, or other previously used wrapping paper. No spoiled or tainted meat shall be kept, offered for sale, or stored on the premises. The process of evisceration, skinning, drawing, or dressing, shall not be performed in areas used for cutting, slicing, or grinding of meat, nor shall this be done on surfaces where meat is handled for the above functions. Fresh fish shall be adequately iced at all times. Oysters shall be displayed and dispensed only from original container.

Where it is necessary to handle meat from game animals, separate facilities should be provided. If separate facilities are not available, all meat from game animals must be covered with shrouds before it can be stored with other types of meat or meat products.

Where it is necessary to hold live animals or poultry on the premises, a separate room or building shall be maintained for that purpose. Domestic animals shall not be allowed in any part of a meat market.

Meat markets shall not be used for domestic purposes.

Meat or meat products shall not be sold or delivered from vehicles, except such vehicles be equipped with a refrigerated compartment maintained at a temperature of 50° F., or below; provided, that such meat or meat products may be delivered from abbatoirs to retail dealers or consumers by special trip without continuous refrigeration when it is possible to complete such delivery within two hours elapsed time.

No meat or meat products shall be accepted by any market unless it has been thoroughly covered and wrapped in clean cloths, or delivered in clean dust proof vehicle, to effectively protect it from the sun, rain, dust, flies, or other sources of contamination. This requirement shall apply to whole carcasses, halves, quarter, or cuts. Boxes or beds of vehicles in which meat is transported, peddled or delivered shall be washed daily, and maintained in a clean and sanitary condition.

Item 13. Cleanliness of Employees.

All persons employed or engaged in the handling and selling of meat shall wear clean, washable aprons or smocks and head covering, preferably white, and shall be clean as to their person and method of handling meat. Employees shall not expectorate or use tobacco in any form in areas where meat is stored, prepared, or sold. Soiled linens and aprons, and all such articles used in the preparation, storage, or sale of meat shall be kept in separate, closed, ventilated containers provided for the purpose. Street clothes shall not be hung in areas where meat products are stored, prepared, or sold, unless they are enclosed in lockers provided for this purpose.

Item 14. Garbage and Refuse Disposal.

All meat markets shall be provided with covered galvanized iron cans of sufficient size and number to receive all refuse, offal, filth, meat scraps, bones, rubbish and other wastes that may originate in or around these markets; and such cans shall be kept covered at all times so that the contents are protected from flies, rodents, vermin, and domestic animals. The contents of these cans shall be removed at least once every twenty-four (24) hours, and more often if necessary, and the cans thoroughly washed inside and outside.

Item 15. Premises and Surroundings.

All waste material, obsolete and unnecessary articles, and rubbish of any kind shall be prohibited from accumulating in or immediately around the market.

Storerooms, basements, closets, and other parts of the building and outside premises shall be maintained in a neat, orderly and sanitary manner. Merchandise in the storage room shall be stored on elevated platforms to facilitate cleaning.

REGULATIONS FOR CONFECTIONERY SHOPS

(Original Adoption May 29 and July 8, 1919)

(Reenacted March 9, 1920)

Regulation 48.

Any room in which any confectionery product is prepared must be well lighted and ventilated. The floors must be of cement, tile, oiled wood, or other impervious material. The walls and ceiling must be painted or lime washed. Walls, ceilings, floors, boxes, pans, machines, and all other utensils used in mixing, or in handling in any way any confectionery product must be kept clean in a clean and wholesome condition at all times. No water closet shall be directly connected with the working room of any confectionery shop or factory.

Regulation 49.

Before beginning work and before preparing and mixing the ingredients, the persons engaged in the work must wash their hands and arms thoroughly in clean water. For this purpose sufficient wash basins, together with soap, pure water and clean towels must be provided.

Regulation 50.

Persons employed in the establishment must, while working, wear clean clothing, preferably white suits.

Regulation 51.

No person having any communicable disease and no person who has been exposed to any contagious or infectious disease shall be employed in

or permitted to work in any confectionery shop or factory until such person presents a written statement from a health officer showing that he has been properly disinfected and that there is no longer any danger of his transmitting a communicable disease.

Regulation 52.

During the fly season all windows and doors must be protected from flies by the use of screens made from not coarser than 14 mesh wire gauze.

Regulation 53.

The supplies must be stored in dry places, where they are protected from all contamination.

Regulation 54.

The confectionery products must at all times be handled in a clean and sanitary manner and must be protected from flies and other sources of contamination.

Regulation 55.

It is strictly forbidden for any person to sit or lie on any of the tables, shelves, or other equipment, which are intended for confectionery. Chairs and benches in sufficient number must be provided to sit on.

Regulation 56.

History: Amended Oct. 6, 1932.

(a) The working rooms must be furnished with cuspidors, at least one in each room, which must be cleaned daily. Spitting on the floor is forbidden. Smoking in the working rooms is prohibited.

(b) Sweeping in any room or compartment in which any confectionery product is prepared, stored, packed or otherwise handled is, unless the floor is first sprinkled with water, moist sawdust, sweeping compound or other substance to prevent the raising of dust, strictly forbidden.

(c) Domestic animals must not be allowed in any manufacturing confectionery.

Regulation 57.

(a) Working rooms must not be used for any purposes other than those strictly connected with the preparing of confectionery.

Regulation 58.

Any confectionery showing dirt or filth shall be deemed as an impure food product, the sale of which is prohibited by law.

Regulation 59.

All confectionery shops and factories shall be inspected each month

by the local, county or reservation health officer or his deputy, and when inspected must be scored according to the score card, which is a part of these regulations.

Regulation 60.

These regulations must be posted in a conspicuous place in every confectionery shop or factory.

REGULATIONS GOVERNING BOTTLING WORKS

(Original Adoption May 29 and July 8, 1919; Reenacted March 9, 1920.)

Regulation 61.

History: Par. (i) adopted Apr. 1, 1926; Amended Oct. 6, 1932; Par. (j) and (k) adopted Oct. 6, 1932; Par. (l) adopted June 10, 1943.

(a) Floors, walls and ceilings of all rooms wherein beverages are prepared shall be kept clean and in good condition. Floors shall be constructed of material impervious to water and provided with proper sewage connections to facilitate cleaning.

(b) All outside doors, windows and other openings shall be fitted with self-closing screen doors and wire window screens of not coarser than 14 mesh wire gauze during the fly season.

(c) All utensils used in manufacturing beverages shall be thoroughly cleaned after each use thereof and when not in use shall be properly protected from dirt, insects and rodents.

(d) No person suffering from any communicable disease shall be employed in any capacity in any bottling works.

(e) Any person who has been afflicted with typhoid fever shall not be employed in an bottling works until it has been definitely determined that such person is not a "typhoid carrier."

(f) Every such plant shall be provided with a toilet room and a wash room conveniently located for the use of the employees. Each wash room shall be provided with clean running water, soap and clean towels and employees shall, after visiting the toilet, wash their hands and arms with soap and water.

(g) All water used in the manufacture of beverages or in the washing of utensils shall be from a supply which has been approved by the State Board of Health.

(h) Persons employed in the establishment must, while working, wear clean clothing, preferably white.

(i) All bottles used for bottling carbonated beverages or still drinks shall, before being filled, be exposed to an alkali solution of not less than

2 per cent caustic for a period of not less than five minutes at a temperature of not less than 130 degrees F. or to an equivalent cleansing and sterilizing process.

(j) The strength of caustic must be determined each day when in use and must be maintained at all times above 2 per cent caustic when in use by addition of cleansing compound. The cleansing solution should be completely changed at frequent intervals to prevent accumulation of sediment.

(k) Sweeping in any room where beverages are bottled or where the ingredients are prepared is, unless the floor is first sprinkled with water, moist sawdust, sweeping compound, or other substances to prevent the raising of dust, strictly forbidden.

(1) Domestic animals must not be allowed in any bottling works.

Regulation 62.

(a) A separate store room shall be provided for all syrups, sugars, extracts and other materials used in the preparation of beverages. Such store rooms shall be constructed in a manner which will at all times protect stock materials from contamination and unnecessary deterioration.

(b) The use of non-injurious vegetable colors is permitted. In the case of coal tar dyes, those certified dyes may be used which are declared permissible in foods according to the Rules and Regulations of the Federal Food and Drug Administration as provided under the Federal Food, Drug, and Cosmetic Act of 1938.

(c) The use of saccharin in any article of food or drink is prohibited. (See Regulation 103.)

(d) The use of any cap or stopper which permits metal to come in contact with the contents of a bottle is prohibited.

Regulation 63.

History: Par (b) amended Apr. 5, 1934; Apr. 2, 1941; Mar. 24, 1948.

(a) The following information shall appear upon the principal label: First, name of manufacturer; second, place manufactured; third, net content in terms of fluid ounces.

(b) Any soft drink, soda water, carbonated, or non-carbonated beverage, except pure non-alcoholic fruit juices, shall be a beverage prepared from pure flavoring materials, with or without added fruit acid, with or without added color, potable water, and shall contain in the finished product not less than eight percent (8%) pure cane or beet sugar or corn sugar (dextrose), except ginger ale, which must contain not less than six per cent (6%) sugar. The provisions of this regulation shall not apply to beer, non-alcoholic beverages made in imitation of beer, bitter drinks, or other similar preparations.

Regulation 64.

History: Amended October 6, 1932.

(a) All bottling works shall be inspected by the local county or reser-

vation health officer or his deputy and when inspected must be scored according to the score card which is a part of these regulations.

(b) These regulations must be posted in a conspicuous place in every bottling works.

REGULATIONS FOR CANNERIES

(Original Adoption Oct. 8, 1926, as Regulations 112 through 135;

Renumbered Oct., 1942.)

Regulation 106.

The term "cannery" as used in the regulations of the State Board of Health is held to mean a factory, including all buildings, premises and stations where food for human consumption, except milk and milk products, is prepared commercially, sterilized by heat and preserved in hermetically sealed containers.

Regulation 107.

(a) All grounds on which canning factories, warehouses, viners and other buildings used are located, must be properly graded to provide a natural drainage, thus preventing accumulation of stagnant water and other material.

(b) No litter, waste or refuse shall be allowed to accumulate in or around the buildings or yards.

Regulation 108.

Weeds should be removed, grasses kept cut and roadbeds properly built and maintained. An application of road oil is recommended where such road is in close proximity to the rooms in which picking tables are located or the rooms in which blanchers and fillers are located, thus preventing dust.

Regulation 109.

All water used on the premises for drinking, cleaning, washing, or other purposes must be safe and wholesome for the purposes for which it is to be used.

Regulation 110.

History: Amended June 10, 1943.

(a) All canneries shall be well lighted and ventilated. When natural light and ventilation are insufficient, provision shall be made to supply sufficient light and ventilation artificially. All floors, walls, ceilings, tables and other fixtures shall be maintained in such condition that they may readily be made clean and sanitary. The floors of all rooms used for manufacturing shall be water tight and where it is necessary for drainage, shall have sufficient pitch to insure proper drainage. Floors must be constructed of cement, tile, oiled wood or other impervious material. When and where necessary, for the protection of employees, portable or loose floor

gratings shall be provided around blanchers, washers and other places where overflow is unavoidable. Ceilings or other overhead covering shall be dust proof. Walls and ceilings shall be smooth and kept in good condition. Where not constructed with glazed tile, walls and ceilings shall be kept well painted with light colored paint.

(b) Domestic animals must not be allowed in any cannery.

Regulation 111.

Fixtures, utensils, and other apparatus used in the manufacture, handling or storing of canned food shall be kept clean. Every factory using brine or syrup shall be equipped with a separate room in which all syrups or brines shall be mixed or compounded. Such syrup or brine room shall be separated from the rest of the factory by a tight partition and shall be well lighted, ventilated and screened.

Regulation 112.

All machinery, conveyors, picking tables, hoppers and other equipment with which the uncanned product comes in contact must be so arranged as to be easily accessible for cleaning.

Regulation 113.

All machinery, conveyors, picking tables, pea boxes, buckets or baskets, hoppers and all equipment with which the uncanned product comes in contact must be kept clean. Where necessary to prevent insanitary conditions, steam must be used in cleaning in connection with water.

Regulation 114.

All equipment shall be cleaned as soon as practical at the close of each day's operation and oftener if necessary to prevent insanitary conditions.

Regulation 115.

An ample supply of steam and water, hose and other equipment necessary for proper cleaning of equipment must be available. All equipment must be placed in good repair before the beginning of the season's operation and maintained in such repair throughout the season.

Regulation 116.

No person afflicted with infectious or contagious disease or with infected wounds shall be employed.

Regulation 117.

History: Amended Oct. 6, 1932

(a) Spitting on the floors or walls of factories is prohibited. No person shall be permitted to smoke, chew or snuff tobacco while at work in the handling or preparing of food or containers, nor in any room used in the preparation of food during working hours.

(b) Sweeping in any room or compartment where food or food products, syrups, or brines are prepared for any canning process is, unless the floor is first sprinkled with water, moist sawdust, sweeping compound or other substance to prevent the raising of dust, strictly forbidden.

Regulation 118.

Employees handling food products shall wear clean, washable clothing or aprons. Women shall wear clean caps over their hair, either of paper or washable material. Caps of open material, or hair nets will not meet the above requirements.

Regulation 119.

Employees handling food shall keep their hands and finger nails as clean as the nature of their work will permit. Such employees shall wash their hands before beginning work and after leaving the toilet. Suitable notice to this effect shall be posted in a conspicuous place.

Regulation 120.

Separate dressing rooms shall be provided for each sex where a change of clothing for work is necessary or usual. A suitable place with hangers or well ventilated lockers shall be provided for clothing not in use. Every dressing room shall be properly lighted, ventilated, and heated.

Regulation 121.

Common drinking cups shall not be used. Individual drinking cups or sanitary drinking fountains shall be provided in convenient locations.

Regulation 122.

Where sewage disposal facilities are available, sanitary water flushed toilets shall be provided. Separate toilets shall be provided for each sex. At least one toilet seat should be provided for every twenty factory employees. The floors shall be tight and of such material that they can be washed and kept clean. The doors shall be made self-closing and shall be so arranged that the seats cannot be seen from the outside. The toilets shall be well lighted and ventilated to the outside air, and windows and ventilators shall be screened against flies. Each toilet seat shall preferably be in a separate compartment, the partition of which shall be not less than 5½ feet high, and shall be at least one foot above the floor. Walls, partitions, and toilet seats, if constructed of wood, shall be covered with a non-absorbent, light colored paint or varnish. Sanitary toilet paper shall be provided. Urinals shall not be constructed except within toilets or in a separate room or building screened as provided for in the case of the toilet proper.

Regulation 123.

Outside closets shall be sufficiently removed from the factory to avoid being a nuisance and built tight above the ground. They shall be properly

ventilated and screened and shall be kept clean. The doors shall be self-closing. The vault or receptacle shall be located and constructed so that there will be no danger of polluting wells or other water supplies used for human consumption. Outside closets shall be kept thoroughly disinfected and shall be cleaned out or discontinued before the contents reach the ground level.

Regulation 124.

Adequate lavatories shall be provided for each sex. They shall be convenient to the toilets. They shall be provided with running water, soap, and sanitary or individual towels. Lavatory facilities shall be not less than one bowl with faucet for every twenty employees.

Regulation 125.

One employee shall be charged with the duty of keeping the cannery in proper sanitary condition at all times.

Regulation 126.

All canneries shall be inspected by the local or county health officer or his deputy and when inspected, must be scored according to the score card which is a part of these regulations.

Regulation 127.

These regulations must be posted in a conspicuous place in every cannery.

GENERAL REGULATIONS

Regulation 66.

History: Adopted Mar. 9, 1920.

Inspectors.

Each local, county or reservation health officer is constituted the Food and Drug Inspector for his respective district and must make such regular and special inspections and take such samples as may be directed by the regulations and orders of the State Board of Health. (Section 27-112, Revised Codes of Montana.)

Regulation 67.

History: Adopted Mar. 9, 1920.

Inspections.

Each meat market, slaughter house, restaurant, lunch counter, hotel kitchen and dining room, manufacturing bakery, manufacturing confectionery, cannery, grocery store, soda fountain, ice cream parlor, soft drink establishment and every other place where food or food products are handled for sale or shipment, sold or offered for sale, must be inspected by the local, county, or reservation health officer, or his deputy, of the district in which such place is located at least once in each month. Special inspection must be made by the local, county or reservation health officer or his deputy whenever called for by the Secretary of the State Board of Health.

Regulation 68.
Method of Inspecting.

History: Adopted Mar. 9, 1920

A score card printed in proper blank form will be supplied for the purpose of designating conditions found on inspection. The health officer must carefully inspect every part of the place where food products are handled and must fill in the blank spaces on the score card in accordance with conditions found to exist. Under the title, "Remarks," the health officer must designate an insanitary condition found to exist which is not noted on the score card. After the inspection is completed, the card must be signed by the proprietor or person in charge of the premises in whose presence the inspection was made.

Regulation 69.
Weekly Reports.

History: Adopted Mar. 9, 1920.

On Saturday of each week the health officer must forward by first class mail to the Secretary of the State Board of Health the score cards made out by him during the the week.

Regulation 70.
Special Reports.

History: Adopted Mar. 9, 1920.

Should the health officer on inspection find any place where food products are handled in his district to be in a markedly insanitary condition, he shall make an immediate report, by first class mail, relative to such conditions, to the Secretary of the State Board of Health; and if in his opinion the exigencies of the case warrant such action he shall notify the Secretary of the State Board of Health by telegraph or telephone.

Regulation 71.
Monthly Report.

History: Adopted Mar. 9, 1920.

On or before the fifth day of each month each local, county or reservation health officer must make a full report of his actions relative to the enforcement of the Pure Food and Drug Act during the previous month. The report must be made on a blank form supplied by the State Board of Health at Helena within the limit of time specified above. This report must be accompanied by an itemized and duly acknowledged statement, together with receipt therefor, of all expenditures made by him in the purchase of samples for examination during the previous month.

Regulation 72.
Collection of Samples.

History: Adopted Mar. 9, 1920, as
Reg. 85; renumbered, 1942.

Each local, county or reservation health officer shall purchase samples of food products as directed by the Secretary of the State Board of Health.

The Secretary of the State Board of Health shall in all instances indicate the size and amount of the sample to be purchased, which samples shall be sealed and shipped in accordance with instructions given by the Secretary of the State Board of Health.

Each health officer purchasing samples on order from the Secretary

of the State Board of Health shall keep an itemized account of expenditures and forward the same with receipts to the State Board of Health, in order that such officers may be reimbursed.

Regulation 73.

History: Adopted Mar. 9, 1920.

Inspection of Food Products.

The local county or reservation health officer must make regular inspection at least once in each month of all places in his district where raw food products are handled for sale or shipment and if he shall find any food product to be in an unsound, contaminated, polluted, or unwholesome condition, he shall immediately call upon the nearest police officer to seize such food product and present the same before the nearest police judge or justice of the peace for action in accordance with the provisions of Section 27-108, Revised Codes of Montana.

Regulation 74.

History: Adopted Mar. 9, 1920.

Filing Complaints.

When called upon to do so by the Secretary of the State Board of Health, each local, county or reservation health officer is required to file a complaint, in the name of the State Board of Health of Montana, with the county attorney of his respective county against any person who shall violate any provision of the Public Health Law of the State of Montana, the Pure Food and Drug Law of said State or any rule or regulation established and promulgated by the State Board of Health, under the provision of any law of this State.

Regulation 75.

History: Adopted Mar. 9, 1920.

Method of Analysis.

The methods of analyses must be those prescribed by the Association of Official Agricultural Chemists and the United States Pharmacopoeia.

Regulation 76.

History: Adopted Mar. 9, 1920.

Publication of Analyses.

The results of analyses of food products and the findings of local, county or state health officers relative to foods and places where foods are handled shall be published in the bulletin of the Montana State Board of Health and in such other places as the State Board of Health may direct.

Regulation 77.

History: Adopted Mar. 9, 1920, as
Reg. 79; renumbered, 1942.

Standards of Drugs.

(a) A drug bearing a name recognized in the United States Pharmacopoeia or National Formulary, without any further statement respecting its character, shall be required to conform in strength, quality and purity to the standards prescribed or indicated for a drug of the same name recognized in the United States Pharmacopoeia or National Formulary official at the time.

(b) A drug bearing a name recognized in the United States Pharmacopoeia or National Formulary, and branded to show a different standard of strength, quality or purity shall not be regarded as adulterated if it conforms to its declared standard.

Regulation 78.
Standard of Foods.

History: Adopted Mar. 9, 1920, as Reg. 79; renumbered, 1942.

Any food product which shall fail to reach the minimum standard adopted by the State Board of Health or which has been handled in any way in violation of these rules and regulations shall be deemed impure or adulterated.

Regulation 79.
Food Displays.

History: Adopted July 11, 1916 as Reg. 129; readopted as Reg. 80, Mar. 9, 1920; revised as Reg. 100, Sept. 27, 1933; renumbered as Reg. 79, 1942.

The display of food products on sidewalks or in the open is prohibited unless such products are enclosed in a showcase or similar device which will protect the same from flies, dust, or other contamination, provided that food products that necessarily have to be peeled, pared, or cooked before they are fit for consumption may be displayed on sidewalks, or in the open, provided that in such display the bottom of the containers shall be at least eighteen inches above the surface of the sidewalk or ground; but the sidewalk display of meat products is prohibited.

No person shall expose, sell or offer for sale any fresh meats, bread-stuffs, pies, cakes, pastry, candy or confectionery on any showcase, counter, table, or rack, alley or thoroughfare except that they be covered so as to thoroughly protect them from dust, dirt, flies, and other extraneous matter.

Regulation 80.
Coloring, Powdering, Coating
and Staining.

History: Adopted Mar. 9, 1920. Reg. 81; renumbered, 1942.

(a) Only harmless colors may be used in food products. Harmless colors are defined as certain dyes, or dyes which contain no arsenic or other poisonous or deleterious ingredients, which may render the food injurious to health, and no dye shall be used so as to conceal damage or inferiority.

(b) The use is hereby permitted in foodstuffs of any coal tar colors the use of which is or may be authorized by the Federal Food and Drug Administration.

(c) The reduction of a substance to a powder to conceal inferiority in character is prohibited.

(d) The term "powdered" means the application of any powdered substance to the exterior portion of articles of food, or the reduction of a substance to a powder.

(e) The term "coated" means the application of any substance to the exterior portion of a food product.

(f) The term "stain" includes any change produced by the addition of any substance to the exterior portion of foods which in any way alters their natural tint.

Regulation 81.

**Natural Poisons or Deleterious
Ingredients.**

History: Adopted Mar. 9, 1920, as
Reg. 82; renumbered, 1942.

Any food product which contains naturally a poisonous or deleterious ingredient does not come within the provisions of the Food and Drug Act, approved March 8, 1911, except when the presence of such ingredient is due to filth, putrescence, or decomposition.

Regulation 82.

**External Application
of Preservatives.**

History: Adopted Mar. 9, 1920, as
Reg. 83; renumbered, 1942.

(a) Poisonous or deleterious preservatives shall be of a character which shall not permit the permeation of any of the preservatives to the interior, or any portion of the interior, of the product.

(b) When these products are ready for consumption, if any portion of the added preservative shall have penetrated the food product, such food products shall then be subject to the regulations for food products in general.

(c) The preservative must be of such a character that until removed, the food products are inedible.

Regulation 83.

Preservatives.

History: Adopted Mar. 9, 1920, as
Reg. 84; renumbered, 1942.

It having been determined by the Federal Food and Drug Administration that benzate of soda mixed with food is not deleterious or poisonous or is not injurious to health, no objection will be raised by this Board to the use in food of benzoate of soda; provided, that each container or package of said food is plainly labeled to show the presence and amount of benzoate of soda, and provided, that no preservative whatsoever shall be used in milk or cream.

MISBRANDING

Regulation 84.

Label.

History: Adopted Mar. 9, 1920, as
Reg. 86; amended as Reg. 105,
Sept. 27, 1933; renumbered as Reg.
84, 1942.

(a) The term "label" includes any legend and descriptive matter or design, appearing upon the article or its container, and also includes circulars, pamphlets, and the like which are packaged and go with the

article to the purchaser, and such letters, circulars, and pamphlets to which reference is made either on the label attached to the package or on the package itself.

(1) The term "package" as used in this regulation shall mean any box, carton, sack, or other container in which food or drugs are packed for sale, and may be either covered, open, or slatted.

(b) The principal label shall consist, first, of all information which the Food and Drug Act specifically requires, to-wit: The name of the place of manufacture in the case of food compounds or mixtures sold under a distinctive name; statements which show that the articles are compounds, mixtures or blends; the words "compound", "mixture", or "blend", and the words designating substances or their derivatives and proportions, required to be named in the case of foods and drugs. All this information shall appear upon the principal label, and should have no intervening descriptive or explanatory reading matter. Second, if the name of the manufacturer and the place of manufacture are given, they should also appear upon the principal label. Third, preferably upon the principal label, in conjunction with the name of the substance, such phrase as "artificially colored" or any other descriptive phrase necessary to be announced should be conspicuously displayed. Fourth, elsewhere upon the principal label other matter may appear in the discretion of the manufacturer. If the contents are stated in terms of weight or measure, such statement should appear upon the principal label and must be couched in plain terms, as required by Regulation 96.

(c) If the principal label is in a foreign language, all information required by law and such other information as indicated above in (b) shall appear upon it in English. Besides the principal label in the language of the country of production, there may be also one or more other labels, if desired, in other languages, but none of them more prominent than the principal label, and these other labels must bear the information required by law, but not necessarily in English. The size of the type used to declare the information required by the Act shall not be smaller than 8-point (brevier) capitals; provided, that in case the size of the package will not permit the use of 8-point type, the size of the type may be reduced proportionately.

(d) Descriptive matter upon the label shall be free from any statement, design, or device regarding the article or the ingredients or substances contained therein, or quality thereof, or place of origin, which is false or misleading in any particular. The term "design" or "device" applies to pictorial matter of every description, and to abbreviations, character, or signs for weights, measures, or names of substances.

(e) An article containing more than one food product or active medicinal agent is misbranded if named after a single constituent.

In the case of drugs the nomenclature employed by the United States Pharmacopoeia and the National Formulary shall obtain.

(f) The use of any false or misleading statement, design or device appearing upon any part of the label shall not be justified by any statement given as the opinion of an expert or other person, nor by

any descriptive matter explaining the use of the false or misleading statement given as the opinion of an expert or other person, nor by any descriptive matter explaining the use of the false or misleading statement, design, or device.

Regulation 85.

**Name and Address of
Manufacturer.**

History: Adopted Mar. 9, 1920, as
Reg. 87; renumbered, 1942.

(a) The name of the manufacturer or producer, or the place where manufactured except in case of mixtures and compounds having a distinctive name, need not be given upon the label, but if given, must be the true name and the true place. The words "packed for _____," "distributed by _____," or some equivalent phrase shall be added to the label in case the name which appears upon the label is not that of the actual manufacturer or producer, or the name of the place not the actual place of manufacture or production.

(b) When a person, firm or corporation actually manufactures or produces an article of food or drug in two or more places, the actual place of manufacture or production of each particular package need not be stated on the label except when in the opinion of the State Board of Health the mention of any such place, to the exclusion of the others, misleads the public.

Regulation 86.

Character of Name.

History: Adopted Mar. 9, 1920, as
Reg. 88; renumbered, 1942.

(a) A simple or unmixed food or drug not bearing a distinctive name should be designated by its common name in the English language; or if a drug by any name recognized in the United States Pharmacopoeia or National Formulary, no further description of the components or qualities is required, except as to contents of alcohol, morphine, etc.

(b) The use of geographical names shall not be permitted in connection with a food or drug product not manufactured or produced in that place, when such name indicates that the article was manufactured or produced in that place.

(c) The use of a geographical name in connection with a food or drugs product will not be deemed a misbranding when by reason of long usage it has come to represent a generic term and is used to indicate a style, type, or brand; but in all such cases the state or territory where any such article is manufactured or produced shall be stated upon the principal label.

(d) A foreign name which is recognized as distinctive of a product of a foreign country shall not be used upon an article of domestic origin, except as an indication of the type or style of quality or manufacture, and then only when so qualified that it can not be offered for sale under the name of a foreign article.

Regulation 87.
Distinctive Name.

History: Adopted Mar. 9, 1920, as
Reg. 89; renumbered, 1942.

(a) A "distinctive name" is a trade, arbitrary, or fancy name which clearly distinguishes a food product, mixture or compound from any other food product, mixture, or compound.

(b) A distinctive name shall not be one representing any single constituent of a mixture or compound.

(c) A distinctive name shall not misrepresent any property or quality of a mixture or compound.

(d) A distinctive name shall give no false indication of origin, character, or place of manufacture, nor lead the purchaser to suppose that it is any other food or drug product.

Regulation 88.
Compounds, Imitations, or
Blends Without Distinctive
Name.

History: Adopted Mar. 9, 1920, as
Reg. 90; renumbered, 1942

(a) The term "blend" applies to a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only.

(b) If any age is stated, it shall not be that of a single one of its constituents but shall be the average of all constituents in their respective proportions.

(c) Coloring and flavoring cannot be used for increasing the weight or bulk of a blend.

(d) In order that colors or flavors may not increase the volume or weight of a blend, they are not to be used in quantities exceeding 1 pound to 800 pounds of the blend.

(e) A color or flavor cannot be used to imitate any natural product or any other product of recognized name and quality.

(f) The term "imitation" applies to any mixture or compound which is a counterfeit or fraudulent simulation of any article of food or drug.

Regulation 89.
Articles Without a Label.

History: Adopted Mar. 9, 1920, as
Reg. 91; renumbered. 1942

It is prohibited to sell or offer for sale a food or drug product bearing no label upon the package or no descriptive matter whatever connected with it, either by design, device, or otherwise, if said product be an imitation or offered for sale under the name of another article.

Regulation 90.
Proper Branding Not a
Complete Guaranty.

History: Adopted Mar. 9, 1920, as
Reg. 92; renumbered. 1942

Packages which are correctly branded according to character or

contents, place of manufacture, name of manufacturer, or otherwise, may be adulterated and hence not entitled to be sold in this State.

Regulation 91

Incompleteness of Branding.

History: Adopted Mar. 9, 1920, as

Reg. 93; renumbered. 1942

A compound shall be deemed misbranded if the label is incomplete as to the names of the required ingredients. A simple product does not require any further statement than the name or distinctive name thereof, except as provided in Regulation 94, Paragraph (b), and Regulation 95.

Regulation 92.

Substitution.

History: Adopted Mar. 9, 1920, as

Reg. 94; renumbered. 1942

(a) When a substance of a recognized quality commonly used in the preparation of a food or drug product is replaced by another substance not injurious or deleterious to health, the name of the substituted substance shall appear upon the label.

(b) When any substance which does not reduce, lower or injuriously affect its quality or strength, is added to a food or drug product, other than that necessary to its manufacture or refining, the label shall bear a statement to that effect.

Regulation 93.

Waste Materials.

History: Adopted Mar. 9, 1920, as

Reg. 95; renumbered. 1942

When an article is made up of refuse materials, fragments, or trimmings, the use of the name of the substance from which they are derived, unless accompanied by a statement to that effect, shall be deemed a misbranding. Packages of such materials may be labeled "pieces", "stems", "trimmings," or with some similar appellation.

Regulation 94.

**Mixtures or compounds with
Distinctive Names.**

History: Adopted Mar. 9, 1920, as

Reg. 96; renumbered. 1942

(a) The terms "mixtures" and "compounds" are interchangeable and indicate the results of putting together two or more food products.

(b) These mixtures or compounds shall not be imitations of other articles, whether simple, mixed, or compounded, or offered for sale under the name of other articles. They shall bear a distinctive name and the name of the place where the mixture or compound has been manufactured or produced.

(c) If the name of the place be one which is found in different states, territories or countries, the name of the state, territory, or country, as well as the name of the place, must be stated.

Regulation 95.
Substances Named in Drugs
or Foods.

History: Adopted Mar. 9, 1920, as
Reg. 97; renumbered. 1942

(a) The term "alcohol" is defined to mean common ethyl alcohol. No other kind of alcohol is permissible in the manufacture of drugs except as specified in the United States Pharmacopoeia or National Formulary.

(b) The words alcohol, morphine, opium, etc., and the quantities and proportions thereof, shall be printed in letters corresponding in size with those prescribed in Regulation 84, Paragraph (c).

(c) A drug or food product except in respect to alcohol, is misbranded in case it fails to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, heroin, cocaine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

(d) A statement of the maximum quantity or proportion of any such substance present will meet the requirements, provided the maximum stated does not vary materially from the average quantity or proportion. In case the actual quantity or proportion is stated it shall be the average quantity or proportion with the variations noted in Regulation 96.

(f) The following are the principal derivatives and preparations made from the articles which are required to be named upon the label: Alcohol, Ethyl: (Cologne, Spirits, Grain Alcohol, Rectified Spirits, Spirits, and Spirits of Wine.)

Derivatives—Aldehyde, Ether, Ethyl Acetate, Ethyl Nitrate and Paraldehyde.

Preparations Containing Alcohol—Bitters, Brandies, Cordials, Elixirs, Essences, Fluid Extracts, Spirits, Syrups, Tinctures, Tonics, Whiskies and Wines.

Morphine, Alkaloid:

Derivatives—Apomorphine, Dionine, Peronine, Morphine Acetate, Hydrochloride, Sulphate and other Salts of Morphine.

Preparations containing morphine or derivatives of morphine—Bougies, Catarrh Snuff, Chlorodyne, Compound Powder of Morphine, Crayons, Elixirs, Granules, Pills, Solutions, Syrups, Suppositories, Tablet, Triturates and Troches.

Opium, Gum:

Derivatives—Codeine Alkaloid, Hydrochloride, Phosphate, Sulphate and other Salts of Codeine.

Preparations of Opium—Extracts, Denarcotized Opium, Granulated Opium, and Powdered Opium, Bougies, Brown Mixtures, Carminative Mixtures, Crayons, Dover's Powder, Elixirs, Liniments, Ointments, Paregoric, Pills, Plasters, Syrups, Suppositories, Tablets, Tinctures, Troches, Vinegars and Wines.

Preparations Containing Codeine or its Salts—Elixirs, Pills, Syrups and Tablets.

Cocaine, Alkaloid:

Derivatives—Cocaine Hydrochloride, Oleate and other Salts.

Preparations containing Cocaine or Salts of Cocaine—Coca leaves, Catarrh Powders, Elixirs, Extracts, Infusions of Coca, Ointments, Paste, Pencils, Pills, Solutions, Syrups, Tablets, Tinctures, Troches and Wines.

Heroin:

Preparations containing Heroin—Syrups, Elixirs, Pills, and Tablets.

Alpha and Beta Eucaine:

Preparations—Mixtures, Ointments, Powders and Solutions.

Chloroform:

Preparations containing chloroform—Chloranodyne, Elixirs, Emulsions, Liniments, Mixtures, Spirits and Syrups.

Cannabis Indica:

Preparations of Cannabis Indica—Corn Remedies, Extracts, Mixtures, Pills, Powders, Tablets and Tinctures.

Chloral Hydrate: (Chloral, U. S. Pharmacopoeia, Twelfth Revision.)

Derivatives—Chloral Acetophenonoxim, Chloral Alcoholate, Chloranamide, Chloralimide, Chloral Orthoform, Chloralose, Dormiol, Hypnal and Uraline.

Preparations containing Chloral Hydrate or its Derivatives—Chloral Camphorate, Elixirs, Liniments, Mixtures, Ointments, Suppositories, Syrups, and Tablets.

Acetanilide (Antifebrine, Phenylacetamide):

Derivatives—Acetphenetidine, Citrophene, Diacetanilide, Lactophen-in, Methoxy-Acetanilide, Methylacetanilide, Para-Iodoacetanilide and Phenacetine.

Preparations containing Acetanilide or Derivatives—Analgesics, Anti-neuralgics, Cachets, Capsules, Cold Remedies, Elixirs, Granular Effervescing Salts, Headache Powders, Mixtures, Pain Remedies, Pills and Tablets.

(g) In declaring the quantity or proportion of any of the specified substances the names by which they are designated in the Act shall be used, and in declaring the quantity or proportion of derivatives of any of the specified substances, in addition to the trade name of the derivatives, the name of the specified substance shall also be stated, so as to indicate clearly that the product is a derivative of the particular specified substance.

(Federal Bulletin Aug. 7, 1922, Circular 21).

Regulation 96.

**Statement of Weight,
Measure, or Count.**

History: Adopted Mar. 9, 1920, as

Reg. 98; renumbered. 1942

(a) Except as otherwise provided in these regulations, a package

of food shall be plainly and conspicuously marked with the quantity of the contents in terms of weight, measure, or numerical count on the outside of the container, or on the covering of the package usually delivered to the consumer.

(b) The quantity of the contents so marked shall be the quantity of the food in the package.

(c) The statement of the quantity of the contents shall be plain and conspicuous, shall not be a part of or obscured by any legend or design, and shall be so placed and in such characters as to be readily seen and clearly legible when the size of the package and the circumstances under which it is ordinarily examined by purchasers or consumers are taken into consideration.

(d) The quantity of the contents when stated by weight or measure shall be marked in terms of the largest unit contained in the package, except that, in the case of an article with respect to which there exists a definite trade custom for marking the quantity of the article in terms of fractional parts of larger units, it may be so marked in accordance with the custom. Common fractions shall be reduced to their lowest terms; fractions expressed as decimals shall be preceded by zero and shall be carried out to not more than two places.

(e) Statement of weight shall be in terms of avoirdupois pound and ounce; statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches and its customary subdivisions, i. e., gallons, quarts, pints, or fluid ounces, and shall express the volume of the liquid at 68 degrees F. (20 degrees C.); statement of dry measure shall be in terms of the United States standard bushel of 2,150.42 cubic inches, and its customary subdivisions, i. e., bushels, pecks, quarts, or pints, or, in the case of articles in barrels, in terms of the United States standard barrel and its lawful subdivisions, i. e., third, half, or three-quarters barrel: PROVIDED, That statement of quantity may be in terms of kilograms or grams. Statement of metric measure shall be in terms of liters or cubic centimeters. Other terms of metric weight or measure may be used if it appears that a definite trade custom exists for marking articles with such other terms and the articles are marked in accordance with the custom.

(f) The quantity of solids shall be stated in terms of weight and the quantity of liquids in terms of measure, except that in case of an article in respect to which there exists a definite trade custom otherwise the statement may be in terms of weight or measure in accordance with such custom. The quantity of viscous semi-solid foods or of mixtures of solids and liquids may be stated either by weight or measure, but the statement shall be definite and shall indicate whether the quantity is expressed in terms of weight or measure, as, for example, "weight 12 oz." or "12 oz. avoirdupois," "volume 12 ounces" or "12 fluid ounces."

(g) The quantity of the contents shall be stated in terms of weight or measure unless the package is marked by numerical count and such numerical count gives accurate information as to the quantity of the food in the package.

(h) The quantity of the contents may be stated in terms of minimum

weight, minimum measure, or minimum count, for example, "minimum weight 10 oz.," "minimum volume 1 gallon," or "not less than 4 fl. oz.," but in such case the statement must approximate the actual quantity and there shall be no tolerance below the stated minimum.

(i) The following tolerances and variations from the quantity of the contents marked on the package shall be allowed:

(1) Discrepancies due exclusively to errors in weighing, measuring, or counting which occur in packing conducted in compliance with good commercial practice.

(2) Discrepancies due exclusively to differences in the capacity of bottles and similar containers, resulting solely from unavoidable difficulties in manufacturing such bottles or containers so as to be of uniform capacity: **PROVIDED**, That no greater tolerance shall be allowed in case of bottles or similar containers which because of their design cannot be made of approximately uniform capacity than is allowed in case of bottle or similar containers which can be manufactured so as to be approximately uniform capacity.

(3) Discrepancies in weight or measure due exclusively to difference in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of the packages to evaporation or to the absorption of water.

Discrepancies under classes (1) and (2) of this paragraph shall be as often above as below the marked quantity. The reasonableness of discrepancies under class (3) of this paragraph will be determined on the facts in each case.

(j) A package containing one-half avoirdupois ounce of food or less is "small" and shall be exempt from marking in terms of weight.

(k) A package containing one fluid ounce of food or less is "small" and shall be exempt from marking in terms of measure.

(l) When a package is not required by paragraph (g) to be marked in terms of either weight or measure and the units of food therein are six or less, it shall, for the purpose of this regulation, be deemed "small" and shall be exempt from marking in terms of numerical count (See Section 27-105, Revised Codes of Montana).

Regulation 98.
Egg Substitutes.

History: Adopted Apr. 11, 1918,
with no number; readopted as Reg.
103, Mar. 9, 1920; renumbered, 1942.

(a) On and after the fifteenth day of April, 1918, the following regulations shall be in force governing the sale of so-called egg substitutes in the State of Montana:

(b) Label: The term "egg substitutes" shall be applied only to products which possess, within a reasonable degree, the properties of eggs, both in respect to food value and baking qualities.

(c) The term "egg powder" or "powdered eggs" shall be applied only to powdered, dried or desiccated eggs.

(d) Compounds or mixtures offered for sale as substitutes for eggs must bear a coined or distinctive name. The word "egg" shall not be used or appear as a part of the coined or distinctive trade name given the product.

(e) The use of artificial coloring in so-called egg substitutes must necessarily conceal inferiority to make the article appear better or of greater value than it really is. The baked product would likewise be adulterated within the meaning of the Montana Food and Drug Act. Therefore, the use of artificial coloring in such compounds is prohibited.

Regulation 99.
Use of Artificial Coloring
on Meat Products.

History: Adopted Oct. 7, 1915, with no number; readopted as Reg. 104, Mar. 9, 1920; amended as Reg. 122, Nov. 6, 1939; amended Aug. 19, 1940; renumbered, 1942.

Use of synthetic or fabricated casing colored with artificial coloring or of natural casings colored with artificial coloring is permitted for use as containers of meat or meat products only when such synthetic or fabricated colored casings are colored, stamped, marked, branded, or otherwise treated in accordance with the regulations of the Federal Bureau of Animal Industry.

Regulation 100.
Cereal and Water in Sausages.

History: Adopted as Reg. 105 Mar. 9, 1920; amended as Reg. 123, Nov. 6, 1939; amended Aug. 19, 1940; renumbered, 1942.

Prepared sausage meat shall be comminuted meat from cattle, veal, sheep, or swine, or a mixture of such meats either fresh, salted, pickled or smoked, with or without added salt, sugar, spices, and with or without the addition of edible animal fats. Prepared sausage shall be any product made from prepared sausage meat for distribution and sale.

(a) Water or ice shall not be added to prepared sausage meat except for the purpose of facilitating grinding, chopping, and mixing in which case the added water or ice shall not exceed 10 per cent in the finished product.

(b) Prepared sausage products may contain cereal, vegetable starch, vegetable flour, milk or its derivatives or analogous substance not to exceed 3½ per cent individually or collectively, provided such products shall be marked, branded, stamped or have printed thereon the specific name of each such added ingredient in accordance with the regulations of the Federal Bureau of Animal Industry.

(c) Prepared sausage or prepared sausage meat shall be construed as adulterated if it contains any added antiseptic or preservative substance other than common salt, salt peter, cane sugar, beet sugar, vinegar, spices, or in smoked products, the natural products of the smoking process. Further, it shall be considered as adulterated if it contains any substance other than meat or meat products, except as provided by this regulation.

Regulation 101.**Cereal in Meat Products Other
than Sausage.****History:** Adopted as Reg. 106, Mar.
9, 1920; amended as Reg. 124, Nov.
6, 1939; renumbered, 1942.

(a) Meat food products shall be any articles of food or any articles that enter into the composition of food which are not prepared meats but which are derived or prepared, in whole or in part, by a process of manufacture from any portion of the carcasses of cattle, swine, sheep or goats, if such manufactured portion be all, or a considerable and definite portion of the article, except such preparations as are for medicinal purposes only.

(b) Meat by-products shall be any properly dressed edible parts, other than meat, which have been derived from one or more carcasses of cattle, swine, sheep, or goats, sufficiently mature and in good health at the time of slaughter.

(c) Meat loaf shall be the product consisting of a mixture of comminuted meat with or without spice, cereals, milk or eggs, pressed into the form of a loaf and cooked.

(d) Brawn shall be the product made from chopped or ground and cooked edible parts of swine, chiefly from the head, feet or legs, with or without the chopped or ground tongue.

(e) Headcheese, Mock Brawn, shall be the product made from chopped or ground, cooked edible parts of meat or meat by-products.

(f) Souse shall be the product consisting of meat or meat by-products; after cooking the mixture is commonly packed into containers and covered with vinegar.

(g) Scrapple shall be the product consisting of meat or meat by-products mixed with corn meal or the flour of grain and cooked with seasoning materials after which it is poured into a mold.

Regulation 102.**Sweet Oil Defined.****History:** Adopted as Reg. 107,
Mar. 9, 1920; renumbered, 1942.

Sweet oil is hereby defined to be olive oil and if after June 1, 1919, any other oil than olive oil is sold or offered for sale as "Sweet Oil" such article shall be deemed as misbranded and adulterated within the meaning of the provision of the Food and Drug Act of Montana.

Regulation 103.**The Use of Artificial Sweeteners
in Foods.****History:** Adopted as Reg. 109,
Mar. 9, 1920; renumbered, 1942;
amended, Sept. 26, 1953.

The use of saccharin and other non-nutritive artificial sweeteners in foods is prohibited. Preparations intended for the cure or prevention of disease shall be excepted, provided they are labeled to show their true purpose and the presence of saccharin or other non-nutritive artificial sweetener is plainly declared on the principal label. Preparations shall not contain any artificial non-nutritive sweetener which has not been accepted by the Federal Food and Drug Administration.

Regulation 104.
Use of Chicory and Coffee
Substitutes.

History: Adopted as Reg. 110,
Mar. 9, 1920; renumbered, 1942.

Public eating places serving a beverage made from chicory or coffee substitutes and coffee, shall post a placard stating such fact in plain and conspicuous terms such as "We serve compound beverage made from Chicory and Coffee," or "Cereal and Coffee," as the case may be.

Regulation 105.
Prohibiting Bakers,
Confectioners or Other Food
Manufacturers from Opening Food
Manufacturing Plants in Base-
ments or Underground Rooms.

History: Adopted as Reg. 112,
Apr. 6, 1922; readopted as Reg. 129,
Apr. 5, 1929; renumbered, 1942.

On and after April 15, 1922, no person, persons, firm or corporation shall establish or open any manufacturing bakery, manufacturing confectionery or other food manufacturing plant in any basement room or rooms where the floor of such room or rooms is more than three feet below the surface of the ground except upon written approval by the State Board of Health.

Regulation 128.
Spray Residues.

History: Adopted as Reg. 116,
Oct. 6, 1932; amended as Reg. 130,
Sept. 27, 1933; renumbered, 1942.

On and after September 27, 1933, the sale of, or possession with intent to sell in the State of Montana, fruits and vegetables bearing spray residue in excess of the Federal tolerance, is hereby prohibited. Fruits or vegetables that have been sprayed, being shipped, trucked, or otherwise transported into the State of Montana for sale, shall be refused admittance or held at point of entry until proper examination is made, unless accompanied by a certificate showing the said fruits or vegetables have been properly washed or otherwise treated to remove any spray residue to within the limits established by the U. S. Food and Drug Administration.

In the case of rail shipments, or shipments made by auto truck or other conveyance, of fruits or vegetables, the export of certificate issued by the U. S. Bureau of Agricultural Economics in cooperation with the several states, will be accepted as sufficient evidence to admit such fruits or vegetables for sale in Montana.

Shipments by rail, auto truck or other similar conveyance, not accompanied by such Federal-State certificate, may be admitted for sale in Montana if accompanied by a certificate issued and signed by any duly authorized officer of the state of origin, showing that said fruit or vegetables conform in all respects to the Federal requirements as to spray residue. Such state certificate shall show the name of the grower or packer and/or lot numbers, and the name and address of consignor and consignee, and any other identifying marks or numbers on the boxes, crates or lugs, necessary to properly identify the shipment. When shipments are made by truck or other similar conveyance, said certificate shall also show the type and

state license numbers of the truck or conveyance, name of driver and owner, and such other data as may be necessary to identify the fruit or vegetables with such certificate.

In the case of shipment by truck or other similar conveyance, the driver of such conveyance shall submit the shipment of fruit or vegetables, and the certificate, for inspection to the Horticultural Inspector in charge at one of the following designated ports of entry of the State of Montana, namely: Troy, Noxon, Taft, Monida, West Yellowstone, Wyola, and Warren, who will give a receipt for the Certificate, which receipt will be authorization for the sale of the fruit or vegetables. The certificate must be sent to the State Board of Health at Helena by the inspector in charge at the port of entry, who is hereby designated a Special Agent for the State Board of Health.

In the case of carlot shipments, the certificate must be exhibited by the consignee on demand of any local or state officer.

The term "vegetables" in this regulation does not include those commonly known as root vegetables or tubers.

Persons making sales of fruit or vegetables in violation of this regulation will be subject to prosecution.

Regulation 130.

History: Adopted as Reg. 135, Apr. 2, 1936; renumbered, 1942.

(a) All commercially prepared custard or cream-filled bakery products shall be made under clean conditions.

(b) Only pasteurized milk or cream shall be used in the preparation of custard and cream-filled bakery products.

(c) The temperature and time of heating of the mix shall be as a minimum the equivalent of a temperature of 142 degrees F. for a period of not less than thirty minutes.

(d) Upon completion of the cooking of the mix, it shall be immediately transferred into previously sterilized containers, properly covered, and chilled without delay to 50 degrees F., or below, and maintained at such temperature until used.

(e) The filling apparatus shall be of suitable impervious material and shall be cleaned and properly sterilized before each use. No cloth filling bags shall be used.

(f) The hands of employees engaged in the preparation of custard and cream-filled bakery products shall not touch the custards or cream fillings.

(g) No pastries containing custard or cream filling shall be displayed in windows or showcases, except those that are chilled to 50 degrees F., or below.

(h) Pastries containing custard or cream filling shall not be sold or delivered from vehicles, except such vehicles be equipped with a refrig-

erated compartment maintained at a temperature of 50 degrees F., or below; provided, that such pastries may be delivered from manufacturers to retail dealers or consumers by special trip without continuous refrigeration when it is possible to complete such delivery within two hours elapsed time.

Regulation 131.

History: Adopted as Reg. 136, Apr. 7, 1936; amended, 1939; renumbered, 1942.

(a) Hamburger, hamburger steak, hamburg steak, is comminuted fresh beef, with or without addition of suet and/or seasoning; provided, however, that the total fat content shall not exceed 20 per cent and that no fat other than suet shall be incorporated in the hamburger.

(b) Sausage, pork sausage, country style sausage, is the product made from ground or comminuted fresh pork with or without the addition of pork fat and/or seasoning; provided that no fat other than pork fat shall be incorporated in the sausage.

(c) Pork and veal sausage or pork and beef sausage, as the case may be, shall be labeled and shall be the ground or comminuted product made from a mixture of fresh pork with veal or beef; with or without the addition of suet and/or pork fat and/or of seasoning; provided, however that the total fat content shall not exceed 50 per cent. Where "pork and veal" or "pork and beef" sausage is sold at retail a card shall be conspicuously displayed at every store room, stand, booth, wagon or other place where such sausage is sold, which shall bear the words, "Pork and Veal Sausage Sold Here," or "Pork and Beef Sausage Sold Here," as the case may be. This card shall be white, ten by fourteen inches in size and the lettering specified above shall be in Roman or Gothic letters not less in height than two inches.

(d) Hamburger, sausage, pork and veal, or pork and beef sausage shall be deemed to be adulterated;

(1) If it contain any added cereal, vegetable flour, starch, dried milk powder or cracklings.

(2) If it contain any added coloring matter.

(3) If it contain any added water.

(4) If any diseased, decomposed, putrid or rotten animal or vegetable substance or any lungs or cow's udders enter into its composition or be found therein.

(5) If it contain any added antiseptic or preservative substance except common salt, saltpeper, cane sugar, beet sugar, vinegar or spices.

Regulation 132.

History: Adopted as Reg. 137, July 13, 1943.

Because of the extremely toxic effects of metallic cadmium as dissolved in the acids normally present in certain foodstuffs, and because

the compounds so formed have in certain instances resulted in acute poisoning, the manufacture or sale of food containers which are cadmium plated is hereby prohibited.

Regulation 133.

History: Adopted Apr. 18, 1944.

(a) The sale of unwrapped bakery food products shall be prohibited, except when sold by the manufacturer directly to the consumer on the premises, or in the plant where such bakery food products are produced.

(b) Adequate wrapping shall be such as to protect all bakery food products from flies or other insects, dust, dirt, or any extraneous material, or possible contamination by human hands.

Regulation 134.

History: Adopted Oct. 20, 1947.

No flour shall be packed in second-hand containers after July 1, 1948.

Resolution 1.

History: Adopted Dec. 1, 1934.

Because of the extremely poisonous properties of sodium or potassium cyanide or similar compounds, their use is expressly prohibited in any cleansing preparation, silver polish, or other compound to be used in cleaning or polishing any utensil used in serving food or drink for human consumption.

Resolution 2.

History: Adopted Apr. 2, 1936.

No person, persons, firm or corporation should sell, offer for sale, or dispense for human consumption any dinitrophenol or any of its compounds, isomers or derivatives.

APPENDIX A.

Summary of Board of Health Actions Regarding Adoptions and Changes in Its Rules and Regulations by Numerical Order.

Regulations 10-26, Inc. (Bake Shops)

Adop. May 29 and July 8, 1919

Reen. Mar. 9, 1920

Reg. 16: Am. Oct. 5, 1929

Reg. 21: Par. (b) adopted Oct. 6, 1932; rescinded, Apr. 18, 1944.

Regulations 40-47, Inc. (Meat Markets)

Adop. May 29 and July 8, 1919; readop. Mar. 9, 1920;

Rescinded and new regulation 40 adop. May 16, 1953

Regulations 48-60, Inc. (Confectionery Shops)

Adop. May 29 and July 8, 1919; Reen. Mar. 9, 1920.

Regulations 61-64, Inc. (Bottling Works)

Adop. May 29 and July 8, 1919; Reen. Mar. 9, 1920.

Reg. 61, Par. (i) Adop. Apr. 1, 1926; Am. Oct. 6, 1932;

Par.(j) and (k) Adop. Oct. 6, 1932;

Par. (l) Adop. June 10, 1943.

Reg. 63, Par. (b) Am. Apr. 5, 1934; Apr. 2, 1941; Mar. 24, 1948.

Reg. 64, Am. Oct. 6, 1932.

Regulations 106-127, Inc. (Canneries)

Adop. Oct. 8, 1926 as Regulations 112-135, Inc.

Renum. Oct., 1942

Regulation 110: Am. June 10, 1943

Regulation 117: Am. Oct. 6, 1932

Regulation 66: Adop. Mar. 9, 1920

Regulation 67: Adop. Mar. 9, 1920

Regulation 68: Adop. Mar. 9, 1920

Regulation 69: Adop. Mar. 9, 1920

Regulation 70: Adop. Mar. 9, 1920

Regulation 71: Adop. Mar. 9, 1920

Regulation 72: Adop. Mar. 9, 1920 as Reg. 85; Renum. 1942.

Regulation 73: Adop. Mar. 9, 1920

Regulation 74: Adop. Mar. 9, 1920

Regulation 75: Adop. Mar. 9, 1920

Regulation 76: Adop. Mar. 9, 1920

Regulation 77: Adop. Mar. 9, 1920 as Reg. 79; Renum., 1942.

Regulation 78: Adop. Mar. 9, 1920 as Reg. 79; Renum., 1942.

Regulation 79: Adop. July 11, 1916 as Reg. 129; Readop. as Reg. 80 Mar. 9, 1920; Rev. as Reg. 100, Sept. 27, 1933; Renum. as Reg. 79, 1942.

Regulation 80: Adop. Mar. 9, 1920 as Reg. 81; Renum., 1942.

Regulation 81: Adop. Mar. 9, 1920 as Reg. 82; Renum., 1942.

Regulation 82: Adop. Mar. 9, 1920 as Reg. 83; Renum., 1942.

Regulation 83: Adop. Mar. 9, 1920 as Reg. 84; Renum., 1942.

Regulation 84: Adop. Mar. 9, 1920 as Reg. 86; Amen. as Reg. 105, Sept. 27, 1933; Renum. as Reg. 84, 1942.

Regulation 85: Adop. Mar. 9, 1920 as Reg. 87; Renum., 1942.

Regulation 86: Adop. Mar. 9, 1920 as Reg. 88; Renum., 1942.

Regulation 87: Adop. Mar. 9, 1920 as Reg. 89; Renum., 1942.

Regulation 88: Adop. Mar. 9, 1920 as Reg. 90; Renum., 1942.

Regulation 89: Adop. Mar. 9, 1920 as Reg. 91; Renum., 1942.

Regulation 90: Adop. Mar. 9, 1920 as Reg. 92; Renum., 1942.

Regulation 91: Adop. Mar. 9, 1920 as Reg. 93; Renum., 1942.

Regulation 92: Adop. Mar. 9, 1920 as Reg. 94; Renum., 1942.

Regulation 93: Adop. Mar. 9, 1920 as Reg. 95; Renum., 1942.

Regulation 94: Adop. Mar. 9, 1920 as Reg. 96; Renum., 1942.

Regulation 95: Adop. Mar. 9, 1920 as Reg. 97; Renum., 1942.

Regulation 96: Adop. Mar. 9, 1920 as Reg. 98; Renum., 1942.

APPENDIX A. — (Continued)

- Regulation 97: Orig. Reg. 99; Res., 1942.
Regulation 98: Adop. Apr. 11, 1918 with no number; Readop. as Reg. 103, Mar. 9, 1920; Renum., 1942.
Regulation 99: Adop. Oct. 7, 1915 with no number; Readop. as Reg. 104, Mar. 9, 1920; Am. as Reg. 122, Nov. 6, 1939; Am. Aug. 19, 1940; Renum., 1942.
Regulation 100: Adop. as Reg. 105, Mar. 9, 1920; Am. as Reg. 123, Nov. 6, 1939; Am. Aug. 19, 1940; Renum., 1942.
Regulation 101: Adop. as Reg. 106, Mar. 9, 1920; Am. as Reg. 124, Nov. 6, 1939; Renum., 1942.
Regulation 102: Adop. as Reg. 107, Mar. 9, 1920; Renum., 1942.
Regulation 103: Adop. as Reg. 109, Mar. 9, 1920; Renum., 1942; Am. Sept. 26, 1953.
Regulation 104: Adop. as Reg. 110, Mar. 9, 1920; Renum., 1942.
Regulation 105: Adop. as Reg. 112, April 6, 1922; Readop. as Reg. 129, Apr. 5, 1929; Renum., 1942.
Regulation 128: Adop. as Reg. 116, Oct. 6, 1932; Am. as Reg. 130, Sept. 27, 1933; Renum., 1942.
Regulation 130: Adop. as Reg. 135, Apr. 2, 1936; Renum., 1942.
Regulation 131: Adop. as Reg. 136, Apr. 7, 1936; Renum., 1942.
Regulation 132: Adop. as Reg. 137, July 13, 1943.
Regulation 133: Adop. Apr. 18, 1944.
Regulation 134: Adop. Oct. 20, 1947.
Resolution 1: Adop. Dec. 1, 1934.
Resolution 2: Adop. Apr. 2, 1936.

APPENDIX B.

A Chronological Summary of Board of Health Actions Regarding Adoptions and Changes in Its Rules and Regulations.

1915

Reg. 99, Adop. Oct. 7, 1915

1916

Reg. 79, Adop. July 11, 1916

1918

Reg. 98, Adop. Apr. 11, 1918

1919

Reg. 10-26, Inc. Adop. May 29 and July 8, 1919

Reg. 48-60, Inc. Adop. May 29 and July 8, 1919

Reg. 61-64, Inc. Adop. May 29 and July 8, 1919

1920

Reg. 10-26, Inc. Reen. Mar. 9, 1920

Reg. 48-60, Inc. Reen. Mar. 9, 1920

Reg. 61-64, Inc. Reen. Mar. 9, 1920

Reg. 66-96, Inc. Adop. Mar. 9, 1920

Reg. 98 Readop. as Reg. 103 Mar. 9, 1920

Reg. 99 Readop. as Reg. 104 Mar. 9, 1920

Reg. 100 Adop. as Reg. 105 Mar. 9, 1920

Reg. 101 Adop. as Reg. 106 Mar. 9, 1920

Reg. 102 Adop. as Reg. 107 Mar. 9, 1920

Reg. 103 Adop. as Reg. 109 Mar. 9, 1920

Reg. 104 Adop. as Reg. 110 Mar. 9, 1920

1922

Reg. 105 Adop. as Reg. 112 Apr. 6, 1922

1926

Reg. 61, par. (i) Ad. Apr. 1, 1926

Reg. 106-127, Inc. Adop. as Reg. 112-135, Inc. Oct. 8, 1926

1928

Reg. 16 Am. Oct. 5, 1928

1929

Reg. 105 Readop. as Reg. 129, Apr. 5, 1929

1932

Reg. 21 par. (b) Adop. Oct. 6, 1932

Reg. 61 par. (i) Am. Oct. 6, 1932; par. (j & k) Adop. Oct. 6, 1932

Reg. 64 Amen. Oct. 6, 1932

Reg. 117 Amen. Oct. 6, 1932

Reg. 128 Adop. as Reg. 116 Oct. 6, 1932

1933

Reg. 79 Rev. as Reg. 100 Sept. 27, 1933

Reg. 84 Am. as Reg. 105 Sept. 27, 1933

Reg. 128 Am. as Reg. 130 Sept. 27, 1933

1934

Reg. 63 par. (b) Am. Apr. 5, 1934

Res. 1 Adop. Dec. 1, 1934

1936

Reg. 130 Adop. as Reg. 135 Apr. 7, 1936

Reg. 131 Adop. as Reg. 136 Apr. 7, 1936

Res. 2 Adop. Apr. 2, 1936

APPENDIX B. — (Continued)

1939

Reg. 99 Am. as Reg. 122 Nov. 6, 1939
Reg. 100 Am. as Reg. 123 Nov. 6, 1939
Reg. 101 Am. as Reg. 125 Nov. 6, 1939

1940

Reg. 99 Am. Aug. 19, 1940
Reg. 100 Am. Aug. 19, 1940

1941

Reg. 64 par. (b) Am. Apr. 2, 1941

1942

Reg. 72 Renum.
Reg. 77-82, Inc. Renum.
Reg. 106-127, Inc. Renum.
Reg. 83-96, Inc. Renum.
Reg. 97 Res.
Reg. 98-105, Inc. Renum.
Reg. 128 Renum.
Reg. 130 Renum.
Reg. 131 Renum.

1943

Reg. 61 par. (1) Adop. June 10, 1943
Reg. 110 Am. June 10, 1943
Reg. 132 Adop. as Reg. 137 July 13, 1943

1944

Reg. 21 par. (b) Res. Apr. 18, 1944
Reg. 133 Adop. Apr. 18, 1944

1947

Reg. 134 Adop. Oct. 20, 1947

1948

Reg. 63 Am. Mar. 24, 1948

1953

Reg. 40-47, Inc. Res. May 16, 1953
Reg. 40 Adop. May 16, 1953
Reg. 103 Amend. Sept. 26, 1953

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